

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

UNITED STATES OF AMERICA,

v.

DONTREAL M. JENKINS and
TREVAYNE D. JONES,

Defendants.

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Case No.: 1:11-CR-27 (WLS)

ORDER

Presently pending before the Court is Defendant Dontreal Jenkins' Motion for Permission to Appeal *In Forma Pauperis* related to paying transcript fees. (Doc. 214.) By Order dated September 25, 2013, the Court directed Defendant to supplement his *IFP* motion with a Civil Justice Act ("CJA") Financial Affidavit to support his request for transcripts. (Doc. 215.) On October 8, 2013, a day after the deadline to supplement the *IFP* motion expired, Defendant, through his counsel, filed a document entitled "Affidavit in Support of Motion for Permission to Appeal in Forma Pauperis." (Doc. 216.) This document vaguely stated that "Defendant, being incarcerated in federal prison, is believed to have no available income." (*Id.*) This statement, without more, is insufficient to support a request that the public coffers be used to subsidize a portion of Defendant's defense.

The Court made clear that a CJA Financial Affidavit is needed in order to determine whether the Defendant is "financially unable to obtain" the transcripts he asserts are needed to pursue his appeal. *See* 18 U.S.C. § 3006A. The "affidavit" Defendant filed is not the functional equivalent of a CJA Financial Affidavit. First, the CJA Financial Affidavit requires that the Defendant "certify under penalty of perjury"

that any statements regarding his finances are “true and correct.” Second, the CJA Financial Affidavit does not limit its inquiry to “income.” It also requests information about assets a defendant may have in a checking or savings account or other holdings a defendant may have, e.g., real estate, stocks, bonds, notes, etc. For these very important reasons, Defendant was required to attach a CJA Financial Affidavit to his initial motion, and even when he did not, the Court gave Defendant ample time to supplement his motion with the same. Therefore, because Defendant has not made the appropriate showing of financial indigency via a CJA Financial Affidavit, Defendant’s Motion for Permission to Appeal *In Forma Pauperis* for transcript fees is **DENIED**. Defendant is responsible for payment of transcript and other costs related to his appeal.

SO ORDERED, this 8th day of October, 2013.

/s/ W. Louis Sands

THE HONORABLE W. LOUIS SANDS
UNITED STATES DISTRICT COURT